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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,144

03/10/2004

Tatsuya Ohashi

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2051

22850

7590

11/24/2006

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 11/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,144	<b>Applicant(s)</b> OHASHI ET AL.	
	<b>Examiner</b> Alfred Joseph Wujciak III	<b>Art Unit</b> 3632	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/14/06</u> | 6) <input type="checkbox"/> Other: _____  |

This is the final Office Action for the serial number 10/796,144, RESERVOIR THAT A BRACKET IS INTEGRATED WITH, filed on 3/10/04.

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6 and 8-15, drawn to subcombination, classified in class 248, subclass 560.
- II. Claim 16, drawn to combination, classified in class 280, subclass 830.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15, line 3, "the vehicle" cites combination/subcombination problem because "the vehicle" is not positively cited in preamble of claim 15.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 8-12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,890,740 to Kami.

Kami teaches a reservoir comprising a tank (1), a bracket (13) integrated with the tank and an attaching portion/absorbing means (figure 5, 10-11) arranged with bracket. The attaching portion comprises a boss (10) for fixing to the vehicle (3) and flange portion arranged around the boss portion and connected to the tank. The reservoir further includes connection portion comprising notch (see drawing below). The reservoir includes first and second brackets (figure 2) having first and second attaching portions (figure 5, 10-11).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kami.

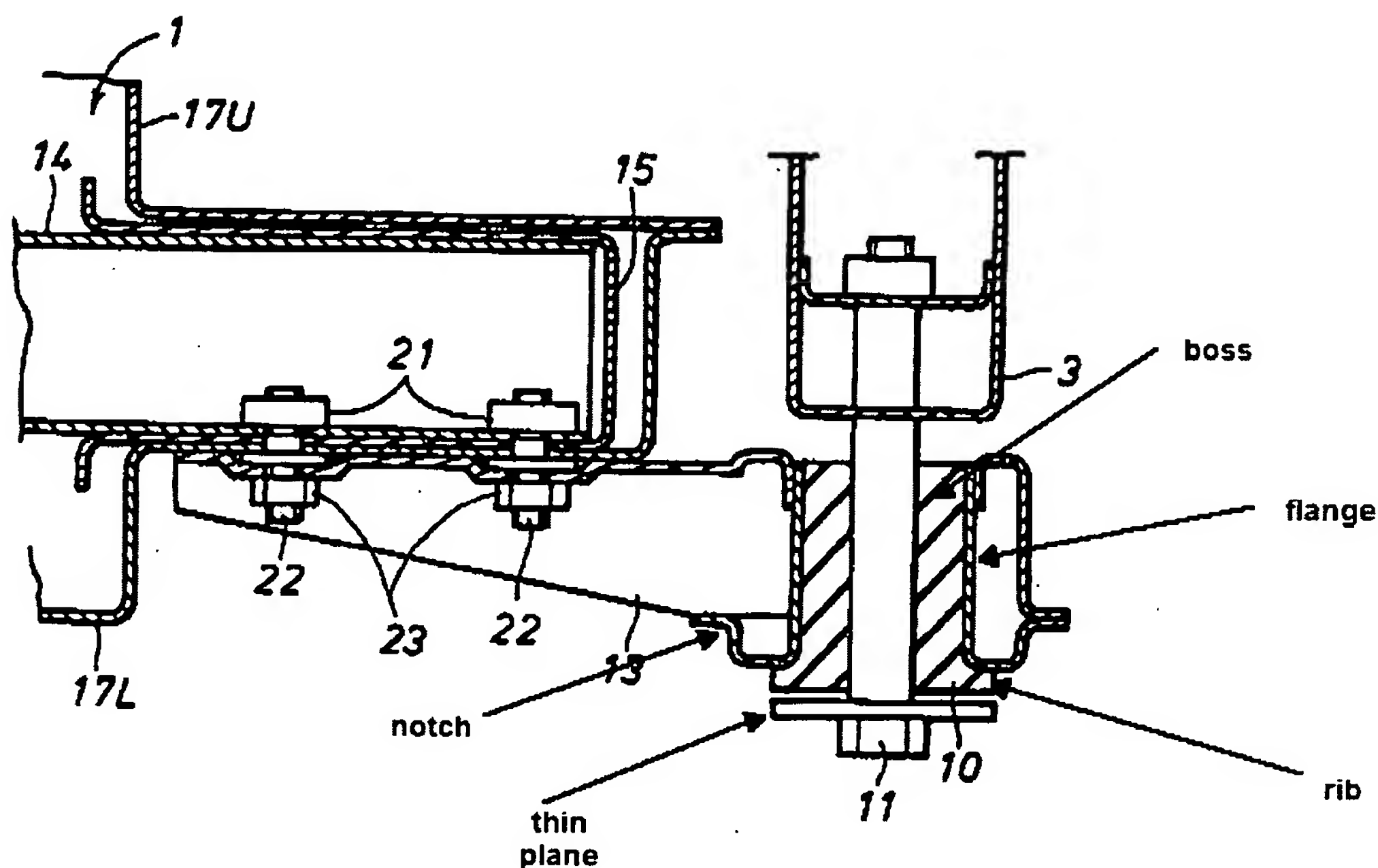
In regard to claims 3,5, and 13-14 Kami teaches the attaching portion comprising a rib portion and the first connecting portion comprising notch but fails to teach plural of rib portions connecting the boss. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added additional rib portion to the boss (transverse from existing rib) to prevent the boss from sliding down in vertical axis.

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In regard to claims 4 and 6, Kami teaches the attaching portion includes a thin plane portion (adjacent to element 11) but fails to teach plural thin plane portions. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added additional thin plane portion to the attaching portion to provide additional support for retaining the boss within the flange of bracket.

Kami teaches plural of thin planes but fails to teach the thin planes are arranged between the rib portions. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the position and size of thin planes from top of rib to between the ribs to provide designer's preference for the location of the thin planes.

**Fig. 5**



**Response to Arguments**

Applicant's arguments filed 9/14/06 have been fully considered but they are not persuasive.

In regards to 112 rejection problem, most of amended claims have overcome the rejection except for claim 15. Claim 15, line 5, "install the tank in the vehicle" creates 112 problem because "vehicle" is now being positive which causes combination/subcombination problem.

The applicant believes that with amended claim language, "positioning of the tank at an upper portion of an engine compartment of a vehicle" will overcome Kami's reference since Kami's invention is designed for placing the tank in rear lower portion of a vehicle. The examiner disagrees with the applicant about overcoming Kami's reference because Kami's invention is not limited to automobile/car. Kami's invention is designed for motor vehicle which is broad and it can be applied to lawn mower tractor (for an example, John Deere 1420 series II front mower) where the fuel tank and the engine is in rear. The fuel tank is being placed above engine in the engine compartment. Therefore Kami still reads on claims 1-6 and 8-15 in this application.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III  
Primary Examiner  
Art Unit 3632

11/16/06

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